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MAILED  
FROM DIRECTOR'S OFFICE

APR 24 2007

TECHNOLOGY CENTER 3600

In re application of	:	<b>DECISION ON PETITION</b>
Ronnie M. Long Sr.	:	<b>TO MAKE SPECIAL FOR</b>
Application No. 10/820,938	:	<b>NEW APPLICATION</b>
Filed: August 17, 2004	:	<b>UNDER 37 CFR 1.102</b>
For: ERGONOMIC BAY UNLOADING PRODUCT	:	
STACKER (OR TEBUPS)	:	

This is a decision on the petition filed on January 11, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

**REGULATION AND PRACTICE**

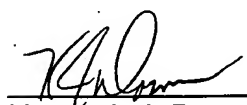
To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on January 11, 2007 the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587.



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Kenneth J. Dorner  
Quality Assurance Specialist  
Technology Center 3600

KJD/dew: 04/05/07